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Roman Genov
30 Helena Ave.
Toronto ON M6G 2H2 CA CANADA

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OFFICE OF PETITIONS

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|---------------------------------|---|--------------------------|
| In re Application of | : | |
| Roman A. Genov and Gert | : | |
| Cauwenberghs | : | |
| Application No. 10/726,753 | : | |
| Filing Date: December 4, 2003 | : | DECISION ON PETITION |
| Title: HIGH-PRECISION MATRIX- | : | UNDER 37 C.F.R. §1.10(E) |
| VECTOR MULTIPLICATION ON A | : | |
| CHARGE-MODE ARRAY WITH EMBEDDED | : | |
| DYNAMIC MEMORY AND STOCHASTIC | : | |
| METHOD THEREOF | : | |

BACKGROUND

This is a decision on the petition filed August 2, 2004, requesting that the above-identified application be accorded a filing date of December 3, 2004.

On December 4, 2003, the above-identified application was received in the Office. The Office of Initial Patent Examination mailed petitioner's filing receipt, indicating that the application had been accorded the date of receipt as the filing date.

In response, on August 2, 2004, applicants filed the present petition. Petitioner has included the petition fee, a copy of the Express Mail Label having a number of ET826568878US, and a print-out of the tracking results from the USPS website. Applicants request that the application be accorded a filing date of December 3, 2003.

THE RELEVANT PORTION OF THE MPEP

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail" sets forth, in part:

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

(f) The Office may require additional evidence to determine if the correspondence was deposited as "Express Mail" with the USPS on the date in question.

[48 FR 2708, Jan. 20, 1983, added effective Feb. 27, 1983; 48 FR 4285, Jan. 31, 1983, paras. (a) & (c), 49 FR 552, Jan. 4, 1984, effective Apr. 1, 1984; paras. (a)-(c) revised and paras. (d) - (f) added, 61 FR 56439, Nov. 1, 1996, effective Dec. 2, 1996; paras. (d) & (e) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 67 FR 36099, May 23, 2002, effective June 24, 2002]

ANALYSIS

Unfortunately, none of the text on the Express Mail label Petitioner has included can be discerned by the undersigned, as the text is very faint. The print-out of the tracking results from the USPS website shows that the package was received on

December 4, 2003, but does not show the date on which the item was deposited with the USPS. The undersigned has visited the USPS's website and attempted to replicate the search, but unfortunately, the "shipment details" link which can be seen on the print-out Petitioner has supplied is no longer present, in that the information is now stored off-line.

Nevertheless, it does not appear that Petitioner has met the requirements of 37 C.F.R. §§1.10(e)(2), (3), and (4), in that the application does not have the Express Mail label number listed thereon. Typically, applicants will write the number on the Utility Application Transmittal sheet. The electronic file has been reviewed, and the "Express Mail Label No." field of the Utility Application Transmittal sheet was not filled in. Furthermore, none of the sheets submitted on December 4, 2003 contain either a copy of the Express Mail label or the notation "ET826568878US." As such, while it is clear that something was mailed to the Office on or before December 4, 2003, it is not possible for the undersigned to determine either when the package was deposited with the USPS or what the submission consisted of.

CONCLUSION

Therefore, this petition is **DISMISSED**.

After the mailing of this decision, the application will be forwarded to Technology Center 2100 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office